

Capital Reporting Company  
Hendricks, Evan 06-06-2011

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

----- :  
ALISHA WILKES, :  
 :  
Plaintiff, : CASE NO.  
 :  
v. : 1:10-CV-01160CMH-TRJ  
 :  
GMAC MORTGAGE, LLC, ET AL., :  
 :  
Defendants. :  
----- :

McLean, Virginia

Monday, June 6, 2011

Deposition of:

EVAN HENDRICKS

called for oral examination by counsel for Defendants,  
pursuant to notice, at the offices of Troutman  
Sanders, 1660 International Drive, Suite 600, McLean,  
Virginia, before Constance H. Rhodes, of Capital  
Reporting Company, a Notary Public in and for the  
Commonwealth of Virginia, commencing at 9:49 a.m.,  
when were present on behalf of the respective parties:

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1 A P P E A R A N C E S

2 On behalf of Plaintiff:

3 JOHN C. BAZAZ, ESQUIRE

4 Law Offices of John C. Bazaz, PLC

5 4000 Legato Road

6 Suite 1100

7 Fairfax, Virginia 22033

8 (703) 272-8455

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10 LEONARD A. BENNETT, ESQUIRE (Via Telephone)

11 Consumer Litigation Associates

12 12515 Warwick Boulevard

13 Newport News, Virginia 23606

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16 On behalf of Defendant GMAC MORTGAGE, LLC:

17 ETHAN OSTROFF, ESQUIRE

18 Troutman Sanders, LLP

19 222 Central Park Avenue

20 Suite 2000

21 Virginia Beach, Virginia 23462

22 (757) 687-7451

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1 Q And you agree that the only violations of  
2 the FCRA that are being claimed in this case by the  
3 plaintiff against GMAC derive solely from GMAC's  
4 handling of the ACDVs, correct?

5 A Or for violations of the Fair Credit  
6 Reporting Act.

7 Q Right. And so you agree that the only  
8 violations of the Fair Credit Reporting Act that are  
9 being claimed in this case by the plaintiff against  
10 GMAC arise solely from GMAC's handling of the ACDVs,  
11 right?

12 A I mean I have to answer by saying that,  
13 yeah, the violations of the Fair Credit Reporting Act  
14 were a failure to conduct a reasonable investigation.

15 Q So you agree that no potential Fair Credit  
16 Reporting Act violation occurred in this case until  
17 GMAC responded to the ACDVs in March of 2010, correct?

18 A Right. For -- my understanding of how the  
19 FCRA works and how courts have interpreted it is that,  
20 yes, it would only be from that dispute on -- the  
21 dispute to the credit reporting agencies on.

22 Q And you're aware that GMAC only received

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1 ACDVs from the consumer reporting agencies in March of  
2 2010, right?

3 A That's my understanding, yes.

4 Q And you agree that the plaintiff does not  
5 have a private right of action under the FCRA until  
6 she made a dispute to the CRAs in March 2010, right?

7 A That's -- that's my understanding of the  
8 traditional interpretation of the FCRA, yes.

9 Q So do you agree that there are no other  
10 potential FCRA violations other than the ACDV  
11 responses by GMAC in this case?

12 A Yes. I think those are the main issue under  
13 the FCRA.

14 Q Do you think there are any other potential  
15 violations by GMAC in this case?

16 A Yes. There could be state law violations  
17 preceding March of 2010.

18 Q Sure. Just specifically with the FCRA.

19 A I think those are the main ones.

20 Q Do you agree that the FCRA does not require  
21 GMAC to delete the tradeline for this account after  
22 receiving the state court's final order that declared

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1 Q Previously, we were discussing the GMAC  
2 Mortgage account that appears on the document that's  
3 600100 and part of Exhibit 15, right?

4 A Yes.

5 Q That's a mortgage account that begins with  
6 account number [REDACTED], right?

7 A Yes.

8 Q And the account that's the subject of this  
9 dispute in this complaint by Ms. Wilkes is an account  
10 that begins with the numbers [REDACTED] right?

11 A That's correct.

12 Q And that's reflected, for instance, in  
13 Exhibit 11, right?

14 A Right.

15 Q And if you look through Exhibit 15, the GMAC  
16 Mortgage account with account number [REDACTED] no longer  
17 appears in the plaintiff's credit report; is that  
18 right?

19 A That's right.

20 Q And that no longer appears at least as early  
21 as September 13th of 2010, right.

22 A Correct.